

ROBERT WISNIEWSKI (RW-5308)  
ROBERT WISNIEWSKI P.C.  
Attorneys for Plaintiffs  
225 Broadway, Suite 1020  
New York, NY 10007  
(212) 267-2101

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
WALTER W. GARCIA-SERRANO,  
ANNA M. STESIK-GARCIA, CIPRIAN  
VERES-POP, JOSE M. MERINO, and WALTER  
FLORES on behalf of themselves and on behalf of  
all others similarly situated

**Docket No.: 09-CV-  
5467(LAK)**

Plaintiffs,

-against-

**REPLY DECLARATION  
OF CIPRIAN VERES-POP**

33 WEST 54<sup>TH</sup> STREET LLC, FRANCESCO  
SORRENTINO a/k/a GIANFRANCO  
SORRENTINO, and PAULA BOLLA SORRENTINO  
and MARIO COPPOLA

Defendants.

-----X  
CIPRIAN VERES-POP hereby declares the following under the penalty of perjury:

1. I am one of the named Plaintiffs in this action, and I make this reply declaration in support of Plaintiffs' cross-motion for collective action certification under the Fair Labor Standards Act, 29 U.S.C. §216(b) and to certify the class under Fed.R.Civ.P.23(b). I am fully familiar with the facts and circumstances as set forth in this affidavit.

2. I am advised that Defendants claim that Plaintiffs offered no evidence that kitchen workers were not paid the minimum wage or for overtime. To the extent that is true, I wish to supplement my declaration that was submitted on August 17, 2009 in support of Plaintiffs' motion.

3. During my employment at Il Gattopardo, I spoke to a number of kitchen workers about their weekly pay and salary. One cook, Jose Brajulio Coronel, would incessantly complain about his pay and the long hours Defendants required him and the other kitchen workers to work and about the fact he was not paid for all the hours he worked, including overtime hours. Since I worked at Il Gattopardo from 2006 through the middle of 2009, I know that Defendants required kitchen workers to work approximately sixty-five (65) to seventy (70) hours per week, but Mr. Coronel stated that he was not paid for those hours.

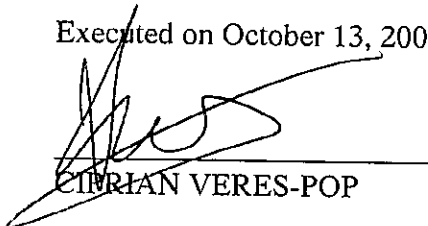
4. Other kitchen workers would also complain about not being paid for all hours they worked. Specifically I spoke to other cooks, Guappo and Carlos, whose last names I cannot recall, who related to me that they made \$450 a week, worked approximately sixty-five (65) to seventy (70) hours per week, but were not paid for all hours worked, including overtime.

5. I also spoke to a dishwasher named Julio, who is no longer employed by Defendants. Julio explained to me that he made \$350 a week and that he was not paid for all hours they worked, including overtime hours. Of course Defendants required all dishwashers, like cooks, to work approximately sixty-five (65) to seventy (70) hours per week.

6. My attorney has explained to me that these employees worked for less than the minimum wage required under New York state law.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Executed on October 13, 2009



CIBRIAN VERES-POP